

**IC 13-22-10**

Chapter 10. Hazardous or Low Level Radioactive Waste Facility  
Site Approval

**IC 13-22-10-1 Repealed**

*(Repealed by P.L.124-1996, SEC.30.)*

**IC 13-22-10-2**

**Repealed**

*(Repealed by P.L.124-1996, SEC.30.)*

**IC 13-22-10-3**

**Repealed**

*(Repealed by P.L.1-2001, SEC.51.)*

**IC 13-22-10-4**

**Repealed**

*(Repealed by P.L.1-2001, SEC.51.)*

**IC 13-22-10-5**

**Approval of construction**

Sec. 5. (a) This section does not apply to a person who applied for a certificate of environmental compatibility under IC 13-7-8.6 (before its repeal) before July 1, 1995.

(b) A person who proposes to construct a hazardous waste disposal facility permitted under IC 13-22, a commercial hazardous waste facility permitted under IC 13-22, or a commercial low level radioactive waste facility permitted under IC 13-29-1-6 may not begin construction of the facility until:

- (1) the person has obtained all approvals to construct the facility required under applicable zoning ordinances or other zoning laws; or
- (2) if the facility is located in an area that is not subject to a zoning ordinance or other zoning law, the person has obtained approval to construct the facility from the county executive of the county in which the facility would be located.

*As added by P.L.124-1996, SEC.11. Amended by P.L.45-1997, SEC.19.*

**IC 13-22-10-6**

**Repealed**

*(Repealed by P.L.1-2001, SEC.51.)*

**IC 13-22-10-7**

**Repealed**

*(Repealed by P.L.1-2001, SEC.51.)*

**IC 13-22-10-8**

**Repealed**

*(Repealed by P.L.1-2001, SEC.51.)*

**IC 13-22-10-9**

**Repealed**

*(Repealed by P.L.1-2001, SEC.51.)*

**IC 13-22-10-10**

**Repealed**

*(Repealed by P.L.1-2001, SEC.51.)*

**IC 13-22-10-11**

**Repealed**

*(Repealed by P.L.1-2001, SEC.51.)*

**IC 13-22-10-12**

**Repealed**

*(Repealed by P.L.1-2001, SEC.51.)*

**IC 13-22-10-13**

**Repealed**

*(Repealed by P.L.1-2001, SEC.51.)*

**IC 13-22-10-14**

**Repealed**

*(Repealed by P.L.1-2001, SEC.51.)*

**IC 13-22-10-15**

**Repealed**

*(Repealed by P.L.1-2001, SEC.51.)*

**IC 13-22-10-16**

**Repealed**

*(Repealed by P.L.1-2001, SEC.51.)*

**IC 13-22-10-17**

**Repealed**

*(Repealed by P.L.1-2001, SEC.51.)*

**IC 13-22-10-18**

**Repealed**

*(Repealed by P.L.1-2001, SEC.51.)*

**IC 13-22-10-19**

**Repealed**

*(Repealed by P.L.1-2001, SEC.51.)*

**IC 13-22-10-20**

**Repealed**

*(Repealed by P.L.1-2001, SEC.51.)*

**IC 13-22-10-21**

**Repealed**

*(Repealed by P.L.1-2001, SEC.51.)*

**IC 13-22-10-22**

**Repealed**

*(Repealed by P.L.1-2001, SEC.51.)*

**IC 13-22-10-23**

**Effects of granting certificate; limitations of local government**

Sec. 23. (a) A:

(1) certificate of environmental compatibility granted under:

(A) IC 13-7-8.6 (before its repeal); or

(B) this chapter (before the expiration of the sections of this chapter authorizing the hazardous waste facility site approval authority to grant certificates of environmental compatibility);

preempts any local government zoning or other land use regulations, laws, or ordinances; and

(2) person obtaining the certificate of environmental compatibility is not required to apply for approval by:

(A) a regional;

(B) a county; or

(C) a municipal;

zoning board or authority.

(b) Local government may not prohibit or unduly restrict:

(1) the transportation of hazardous waste or low level radioactive waste through the local government's area of jurisdiction that is en route to a facility; or

(2) the:

(A) treatment;

(B) storage; or

(C) disposal;

of hazardous waste or low level radioactive waste at a facility within the jurisdiction of the local government.

*As added by P.L.124-1996, SEC.29. Amended by P.L.1-2001, SEC.21.*